LAST EDITION.

THURSDAY EVENING.

TOPEKA, KANSAS, JANUARY 31, 1907.

THURSDAY EVENING.

There was tense excitement as the examination of Elias D. Beeghley, who succeeded Mr. Steele neared an end. He had answered every question and all challenges for cause had been withdrawn when Thaw's attorneys challenged personnersily.

lly taken to the home of Mr Tasker

This Has Been the Cloudiest January

and it has been the cloudiest January in the records of the local weather

station, which dates back to 1887

Tomorrow will be about the same as today only that it is not likely there

northwest. Last night there was a precipitation of .28 of an inch. The following are the temperatures for

7 o'clock 29 11 o'clock 27

. 28 12 o'clock 28 . . 28 1 o'clock 28 . . 27 2 o'clock 29

today:

will be any more snow or rain in amounts sufficient to make the present conditions worse. There is a low wind of six miles an hour blowing from the TWO CENTS.

in Senate.

For Money Used to Make Good Treasury Shortage.

NEARLY TEN THOUSAND

to this was passed last session applica-ble to Kansas City, Kan. This meas-ure was tested in the supreme court and held to be valid.

There was no minority report from the judiciary committee. Senator Young, the only member of the committee who has expressed himself as in favor of the bill, was absent from the propose to the invitation sent through

The regular appropriation of \$1,000 per year for the next two years for the Kansas state poultry association was massed by a bare quorum this morning. The vote had to be unanimous to pass the bill, and the humorous call of the senate by Senator Brewer resulted in a change of "no" to "aye" by two senators, thereby making a constitutional majority.

This was referred to by Senator.

This was referred to by Senator. This was referred to by Senator Miller, in explanation, as the "Co-burn's hon" bill.

An appropriation of \$20,000 for the construction of a well near the Kansas river and establishing a pumping plant for the state hospital was passed the menate this morning. House by the senate this morning. House bill 136, by Stone, the same thing, was substituted for the Senator Betts bill. senate bill 124, and passed. Senator Waggener wanted to know why a well should cost \$29,000, and moved that further consideration of the bill should Thomas was standing in front of the be deferred a few days for the purpose of giving some qualified person time to come before the senate and explain. The bill was defended by Senator Miller and Senator Betts and Senator Waggener finally withdrew his motion and the bill was passed.

Senator Simons, backed by Senator Young, attempted to open the Sunday baseball argument at 11:50 this morn-log. The senate would not stand for this, and his motion to replace on the calendar was laid over until tomor-row. Senator Smith, who had object-ed to a suspension of the rules, withdrew his objection, and the matter was threshed out. Senators Young, Blaker and Simons demanded a roll call. The call resulted as follows:

Yeas—Blaker, Caldwell, Dolley, Fulton, Gilbert, Griffin, Hodges, Hughes, Lower, Martin of Woodson, Miller, Quincy, Robertson, Simons, Stannard, Tucker, Young—17.

Nays—Benson, Buschow, Chapman, Conner, Fitzpatrick, Getty, Harrison, Haskell, Hayden, Huffman, Porter of Smith, Stewart, Stillings, Waggener, Wilkerson—17. This tie vote on the reconsideration

of the bill has killed the anti-Sunday baseball law, passed so enthusiastically by the house, beyond any possibility of repair. Sunday baseball, for a gate receipt or otherwise, is still legal.

Senator Getty Introduced a bill tomaking usurlous interest a felony, will be known as the "Antishylock," and limits usury to 2 per cent

Senator Waggener today introduced a resolution to stir up the old Price raid disturbance. The state has enjoyed the use of a lot of money, which rightfully belongs to individuals, for

outstanding, and.

Whereas, The said commissioner, together with the governor and auditor,
was required by said act to make report at the beginning of its regular

as required by said act, although the appropriation for such work has been exhausted, therefore, be it Resolved, By the senate, the house concurring, that the governor be and is hereby requested to forthwith report what, if anything, was done by Bill to Reimburse Frank Grimes said commissioner, together with his report to the governor, and his find-ings as to such "Union military

This resolution was passed. This question has come up before every legislature for the past 20 years.

The senate adjourned till 10 o'clock Chursday.

Senate Bills Introduced.

Senate Bills Introduced.

The following bills were introduced and read the first time:

No. 316. By Porter of Montgomery—An act authorizing all counties in Kansas, to levy a tax for the purpose of paying off their indebtedness.

No. 317. By Griffin—An act to provide for the payment of wages to prisoners now confined in the Kansas state penitentiary and to control the apportionment, record of act and distribution of same and making an appropriation therefor.

No. 318. Porter of Montgomery—An act authorizing the board of county

ucation will go to Washington in re-sponse to the invitation sent through the California congressional delegation The regular appropriation of \$1,000 that one or more representatives of

Slippery Rails Caused It to Jump the Track,

Omaha, Neb., Jan. 31.-A street car on the Harney line jumped the track and crashed into a drug store at Sixth and Pierce streets this morning, killing Sam Thomas, a driver, and injuring six persons. One of the injured, Hodge store. Slippery tracks caused the acci-

MAY APPOINT NEGRO.

President Has One in Mind for Office in Ohio,

Washington, Jan. 31.—It was admitted at the White House today that the president has under consideration the president has under consideration the ing it permissible for railroad companies to issue passes to contractors panies to issue passes to contractors panies to issue passes to contractors panies to issue passes to contractors. of customs at Cincinnati. It was stated

SOLDIERS ACQUITTED.

Jury Justifies the Shooting of a Citizen at Pittsburg.

Pittsburg, Pa., Jan. 21.—The jury in the case of Lieutenant Raiph W. Drury and private John Dowd, U. S. A., charged with murder of William H. Crowley, a citizen, returned a verdict today of not guilty.

Freight Wreck on Rock Island Owing to a small freight wreck on the Rock Island near White City this bill," and limits usury to 2 per cent run over the Santa Fe this morning per month. As the pawn brokers now bleed their victims for 10 per cent per month, this bill will no doubt be assailed by a 3-ball lobby. The penalty provided in this act is a fine of \$100 to \$500 and imprisonment of from 30 to 90 days.

"By some misfortune, or something from Topeka to Florence and thence else," said Mr. Stubbs, "we lost the sailed by a 3-ball lobby. The penalty was but a small one and no one was injured, although there were several to \$500 and imprisonment of from a study of the sail of the traffic at this point, and made the traffic at this point, and made the traffic at this point, and made the tracks from Topeka to Marion.

Senator Wassever today introduced tracks from Topeka to Marion.

Anti Pass Bill Is Still Before the House.

Bitter Struggle Over Its Provisions Continues.

STUBBS STIRS THINGS.

No Reason Why Members Should

Author of the Measure.

Chita Separate School Bill is Reported Favorably.

Reported Favorably.

Auti Sunday Baseball Is Killed in Senate.

When the Haskin & Sell state treasure from the state of the s

a mere routine affair. But those who emptions as to whose passes or transhad entertained these halcyon views portation may be given, including mail views sadly mistaken. There was an clerks, news agents, conductors and other and bitter fight on the measure from the drop of the hat, and although the salient features of the fight have been settled there will be more to come.

As soon as the house convened at ter o'clock this morning and the roll had been called a motion was made that been called a motion was made the rules be suspended and the house tesolve itself into a committee of the resolve itself into a committee of the the right of physicians to visit families of employes who might be ill. Mr. this bill. The motion prevailed and Cunningham thought that the word Mr. Holdren was appointed to preside "professional" in relation to these visits over the committee. Sections one and should be incorporated in the amend-two of the bill had been considered yes- ment. Mr. Helmick had another sugterday afternoon when further consideration of the measure had to be dispensed with because the lights in the o'clock had passed and a r

"employe" to whom passes may be issued "shall be construed to include all persons who devote their private their p persons who devote their principal time. skill and energy to the service of the railroad company by which they are employed, and who receive a stated and remunerative salary therefor, and to exclude local attorneys, physicians and surgeons, immigration agents, and all others who do not depend, primarily upon such employment for a liveli-

When the clerk had read the section Mr. Montee was on his feet in an instant with an amendment striking out effect of this amendment, if it had been adopted, would have been to persurgeons and last but not least, immigrant agents, to travel on passes. The amendment was seconded and then the fun began. A debate of two hours followed. There were many features to this debate which really countries.

The countries of the released jurymen expressed much surprise as they left the court house.

Delphin Delmas remained on the sick list today but his partner, Mr. McPike, was at the defendant's countries to this debate which really countries. to this debate which really ought to have had a comic opera setting. But it was interesting none the less,

Stubbs Starts Trouble. Mr. Morgan started the ball a rolling by stating briefly that if the amendment was adopted the entire work of yesterday on the measure would be undone, and W. Roscoe Stubbs gave the rolling ball its first big kick by saying that he did not think that any one would be proud to change his position on the measure over night.

"By some misfortune, or something

"By some misfortune, or something se," said Mr. Stubbs, "we lost the

poses to see about it:

Whereas, By chapter 46, laws of 1903, it was provided that the governor should appoint a commissioner to examine "Union military script" now outstanding, and, eous indignation of a good many of the members and when they got a chance to say eight or ten thousand

Whereas, The said commissioner, towhereas, The said commissioner, tocher with the governor and auditor,
as required by said act to make reort at the beginning of its regular
session, and,
whereas, The said commissioner, totive.

Sheffield Ingalis seemed particularly
incensed at Mr. Stubbs' few words, He
insisted that any man who had an
amendment to offer to the bill, retween the times says it is reinsisted that any man who had an
amendment to offer to the bill, regardless of the action taken yesterday,
many and Russia.

would not have to face the charge that he was acting in bad faith. "I dislike to see," he said, "any gen-tleman give an intimation of what we shall do. And I want to say to the gentleman from Douglas that I con-sider if an insuit for him to charge me or any one else with duplicity in this matter. We are all here for the pur-

matter. We are all here for the purpose of legislating for the best interest of the people of Kansas, and as far as I am concerned I do not see anything wrong in the railroads giving their employes of all sorts passes. It will be hard for us to give up our passes, but let us be martyrs to the cause." Mr. Ingalis favored the Montee amendment with a few changes.

Mr. Stubbs repiled in that cutting way of his that his remarks had no reference to a man who favored antiway of his that his remarks had no reference to a man who favored antipass legislation, but that it did not look good to him to see people changing their minds over night. "I don't propose," he said, "to vote for any humbug antipass law. I am not in favor of any law that has poison through the middle of it and is sugar coated on both ends. If this amendment is adopted and the law is passed permitting immigration agents to

soon. Local officials have not yet replayed to the senter would not take the house, and senter substitutes are liable to appear soon. It is the general idea that the bill is wrong from any standpoint. As passed by the house it prohibits the playing of base ball on Sunday for an admission fee.

"The bill is not propely drawn, said a senter this morning." If it is a crime to play on Sunday for the individual senter that a fee is not charged would not mitigate the possibility of a disturbance of the peace, which is the basis of the bill."

There was no minority report from Young, the plants of the peace, which is the basis of the bill."

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There was no minority report from Young, the plants of the plants o

emptions as to whose passes or transportation may be given, including mall clerks, news agents, conductors and porters of sleeping cars and the like when in the performance of their duties. when in the performance of their duties Mr. J. D. Brown moved that local physicians and surgeons of the railroad sicians and surgeons of the railroad on the permitted to travel on the solution of the family of the solutions.

pensed with because the lights in the chamber took an idea to go out. So when the bill was taken up for consideration this morning a discussion of section three was in order.

This is looked upon by the friends of the measure as one of the vital sections

O'clock had passed and a motion prevailed that the committee rise and report progress on the consideration of the bill for the purpose of giving all concerned a chance to get together on an out.

Realizing that something was wrong with the furnace and that the house was filled with gas she attempted to they were on hand last night to way their pet scheme was they were on the jury. David S. Walker and Louis with the furnace and that the house was filled with gas she attempted to awaken the other children who were showed plainly the agent of the bills were passed by the terday afternoon as follows.

Rumors that both Mr. Walker, who is a son of John Brisben Walker and Mr.

One at Dayton Soldiers' Home to Be Restored.

Washington, Jan. 31.-The house appropriations committee will restore the canteen to the National Soldiers home at Dayton, O., and other points, in the sundry civil bill, in which measure last year these institutions were abolished.

The committee will take this action in view of the unanimous opinion of Walker and Governor Thomas of the Dayton home. stant with an amendment striking out in view of the unanimous opinion of all of this clause after the word "therefor" and inserting a clause making it permissible for railroad companies to issue passes to contractors and their employes who are actually worked a hardship on the old soldiers who were deprived this year of many entertainments and other pleasures that were formerly paid for out of the

insert an amendment into the bill abolishing the canteen for the next fiscal year. This will be fought by the

PROGRAMME CLOSED.

Disarmament Can Not Enter in at The Hague Conference.

Washington, Jan. 3i.—Neither the ques-tion of international disarmament, includ-ing the kindred subject of restriction, nor the Drago doctrine, will be placed upon the program of subjects to be considered at The Hague conference when it con-venes next June or July. The program is regarded as closed at this moment, nor will it be formally added to before the will it be formally added to before the meeting takes place.

But every effort will be made to have the conference consider the two subjects named, though this can only be accomplished by the act of the delegates themselves, properly supported by their principals. It will require an affirmative vote of the conference to take up for discussion any new subject beyond those contained in the program and it is the hope of the Washington government that these all-important subjects, disarmament and the Drago doctrine, will receive the favorable consideration of a majority of the delegates, enabling them to be discussed.

Imperial Families to Unite.

Thaw Jurors Nos. 4 and 9 Dismissed by Agreement.

No Reason Assigned for the Action as Before.

ANOTHER 100 CALLED.

lenged peremptorily.

The next talesman up, Joel T. Head-ley, a publisher, had formed an opinion which disqualified him.

Henry C. Adams, the last talesman of the morning session was peremptor-ily challenged by the defense. He had known Stanford White slightly but said that this fact would not prevent his be-ing an impartial juror.

works May Cripple Kansas Roads.

Kansas railroads will suffer through the fire that destroyed a portion of the fire that destroyed a portion of the morthers have been received by the motives have been received by the active have been received by the active have been received by the saccess on. Topska and Santa Fe railroads. The Santa Fe was expecting another delivery of twelve locomotives have been received advice whether or not the entry of the first have desired to the color of t orders issued yesterday. The defendant appeared confident that today would witness the real beginning of his trial and he had evidently steled himself for the ordeal of the district attorney's arraignment.

The members of the new jury pane filled many of the seats in the rear of the court room, which have been va-cant for several days through the strict enforcement of the rule regulating admittance to the court room.

The members of the Thaw family

were early in their seats. The mothe of the prisoner came with her daugh of the Stone bill, the question of pro-gressing the bill from the committee of the whole to a third reading would be five, which section is section in skes certain ex-Mrs. George L. Carnegie, and her son,

passes for the purpose of visiting employes who might be sick. Some memwhen the prisoner's wife came in. The of \$25 Huntoon street last night, prob-delay was due to a conference of all the ably saved the life of the mother and the right of physicians to visit families of elay was due to a conference of all the of the mother and attorneys with Justice Fitzgerald. The Cunningham thought that the word "professional" in relation to these visits should be incorporated in the amendment. Mr. Helmick had another suggestion along similar lines.

But by this time the hour of twelve o'clock had passed and a motion previous feed to excuse from further service on the jury, David S. Walker and Louis Realizing that something was wrong were on hand last night to watch the valled that the committee rice and a quorum of the members were furnace with which the building is heated. The mother was aroused about 2 o'clock this morning by her little girl who complained that she could not breathe.

Realizing that something was wrong were on hand last night to watch the

a son of John Brisben Walker, and Mr. Haas would be excused had been rife all morning and there was little surprise when the decision was announced. ed to descend the stairway she fell The former is a real estate broker, and the latter the New York representative of a Philadelphia wholesale card.

Thaw's Counsel Displeased.

It was reported that Thaw's counsel did not readily consent to the release of the two jurymen today, but after Mr. Jerome had argued the matter before period the gained the commotion and investigating found the family lying on the floor of the hole home. Dr. W. H. Righter, who unmarried men on the jury.

Thaw was visibly disappointed thoughhe had been apprised in advance of the decision to release the two jurymen. It was practically at Thaw's die tation that Mr. Walker was first ac-Both of the released jurymen ex

pressed much surprise as they left the

was at the defendant's counsel table Mr. Delmas is nursing his cold carefully in the hope of being fully recovered when the trial actually begins With three jurors to be chosen the prosecution had eleven peremptory challenges available and the defense seven. District Attorney Jerome em-ployed one of his in excusing the sec-ond talesman called from the new panel. He was William Wiggins, who was declared competent by the court was declared competent by the court which the thermometer has not gone and apparently was satisfactory to Thaw below eight degrees. January is mak-The first talesman by consent.

ged peremptorily a James P. Franklin, which fell last night places the walks and his attorneys. The first to

The state challenged peremptorily a second time when James P. Franklin, a paper manufacturer, seemed to be accepted. Alfred Fecheimer was excused for blas and Walter V. Pollard was aland the temperature is about right for lowed to go by consent.

Henry J. Robinson also secured con-sent for his release and it was nearly 12 o'clock when Joseph L. Morton, the seventh talesman, took the stand. Mr. Morton said he did not think he could altogether disregard an opinion he had formed. He was excused Adam G. Laughlin, a dry goods mer-chant, had an opinion which he de-clared the evidence might not entirely

Oscar Pink, 46 years of age, married a hay and grain salesman, satisfactorily answered all questions put by the prose-cution and defense. He was promptly sworn and took the place vacated by Mr. Walker.

tice Fitzgerald ordered that another new panel of 100 talesmen be summoned to appear tomorrow. This made 500 men in all summoned for the trial. men in all summoned for the trial. The second new juror, making the eleventh, was secured in Wilbur R. Steele, a manufacturer of gas plants, 60 years of age. He had no decided opinion, no prejudice against any particular line of defense and knew no one connected with the case. Mr. Steele took the place of Louis Haas, It was announced today that Assistant District Attorney Garvin will open for the prosecution as soon as the jury is completed. He will make only a plain statement, occupying not more Gas Companies May Have to

Restrict Themselves. Senator Huffman Would Have

jury is completed. He will make only a plain statement, occupying not more than half an hour.

Assistant District Attorney Marshall left for Pittsburg today to investigate the record of Harry Thaw in that city. There are said to be various entries on the police blotters there against the young man. SCHOOL BILL PASSES.

Them Sell Gas Only.

Permits Boards of Education to Increase Their Levy.

City Commission Bill Is Acted Upon Favorably.

Senator Huffman has introduced a ill, which if it should become a law, would seek to prevent the mixing of air with natural gas. It is short and sweet and reads as follows:

Section 1. It shall be unlawful for any person, company or corporation conveying natural gas through a sipe New York, Jan. 31.—When the real business of the Thaw trial, which the public generally has looked forward ing of the same, to pump or add any o with interest begins, District At-forney Jerome will personally outline the state's case in his opening address. Section 2. Any person, company of

This, it is believed will be a comparatively brief statement setting forth the crime as it is known to have occurred. He will trace the movements of Thaw and his victim on the fatal evening and bring them together in the roof garden in Madison Square, where Thaw deliberately shot and killed Sianford White while the latter state of Kansas by the county attorney sat at a table with some friends of the county where such violation occurred. Section 2. Any person, company or

have been friends and I know that he desired that I shall be on hand during his actual trial.

"I have information and data which are of value to the defense. I can say that for I have been constantly employed for months in the gathering of evidence and making investigations of the second trial was amended so as to limit the evidence and making investigations."

As it also for this measure, which

ployed for months in the gathering of evidence and making investigations for my client and his counsel."

The members of Thaw's family, who are standing loyally by the side of the accused and Thaw himself, while naturally anxious, have looked forward eagerly for the day to come when the real trial would begin.

Now that it is here they have announced that they will attend every sersion of the court in an endeavor to theer and encourage the young man who is fighting for his life. Agitation for this measure. will undoubtedly pass the house, was started by the Topeka board of edu-cation. Cities of the second class in the state have always had the privilege of levying twenty mills for gen-eral school purposes. But the first class cities have operated under special acts and Topeka has been able to levy but twelve milk for general school purposes and three milk for building purposes. Under the new law the Topeka board of education may levy five additional milks for these GAS OVERCOMES FAMILY may levy five and not only can the grade teachers' salaries be increased but the manual training in the grade schools can be developed, Mrs. J. E. Hooper and Her Four Chil-

until dren Nearly Dead When Found.

The wakefulness of one of the four children of Mr. and Mrs. J. E. Hooper of \$25 Huntoon street last night, probling the bally saved the life of the mother and her children who were being asphyxiated by gas fumes escaping from a present at the meeting last night when were on hand last night to watch the way their pet scheme was handled and

> Bills were passed by the senate yes-erday afternoon as follows: By Senator Smith-Amending the rallroad law by taking away from the board of railroad commissioners certain judicial powers vested in it.
>
> By Senator Noftzger—Detaching a certain section of school district No. 4 in Gray county and attaching it to dis-

would have been as the family were so nearly asphyxiated that they were

trict No. 24.

By Senator Conner—Changing the name of John Samuel Fiscus to Don Bernard Delaplaint. By Senator Getty-Permitting a tax payer to bring suit to compel corpora-tions to live up to the terms of the franchises granted them by cities of the first and second class, provided the city authorities fail to bring such a suit. By Senator Huffman—Changing the name of Gertrude M. Shoate to Ger-

their home. Dr. W. H. Righter, who lives near the scene of the accident was called and the semiconscious famname of Gertrude M. Shoate to Ger-trude M. Wiggins.

By Schater Porter of Montgomery where after several hours of work they were revived and are supposed to be out of danger.

—Permitting cities of the first class to levy a tax of twenty mills each year for general school purposes.

By Senator Hodges—Prohibiting

NEW WEATHER RECORD.

This Has Been the Cloudiest January Known to Science.

Today is the last day of January and it has been the cloudiest January in the records of the local weather tation, which dates back to 1887.

For general school purposes.

By Senator Hodges—Prohibiting the hunting and killing of qualit and prairie chickens in Johnson county for the next three years.

By Senator Hughes—Changing the name of Clans A. Ingenanson to Clans A. Ingenanson to the payment of the salaries of judges of the district court in monthly installments.

By Senator Modes—Prohibiting the hunting and killing of qualit and prairie chickens in Johnson county for the payment of Clans A. Ingenanson to Clans A. Ingenanson to the payment of the salaries of judges of the district court in monthly installments. By Senator Martin of Woodsonstation, which dates During the past month there have been twenty cloudy days, nine of which were consecutive. It is also a Compelling the construction of ex-terior fire escapes on all public build-ings, such as hotels, theaters, halls,

which were consecutive. It is also a remarkable month because of the uniform temperatures which have prevailed during the month. With one exception in the last twenty years there has not been a single January in which the thermometer has not gone below eight degrees. January is making its departure in a manner very will strengthen the rate fixing powers.

of the board of railroad commissioners by stripping them of the judicial functions they are supposed to enjoy under the present law. Contention is functions they are suppunder the present law. relative to the rate fixing power of the board is unconstitutional because it gives the board both legislative and judicial power.

The bill was not passed yesterday until an amendment suggested by

until an amendment suggested by Senator Waggener had been incor-porated in it and which will prevent the board of railroad commissioners from making any classification of rates in conflict with any classification that may be made by the interstate commerce commission.

Night Bank for New Orleans. a hay and grain salesman, satisfactorily answered all questions put by the prosecution and detense. He was promptly sworn and took the place vacated by Mr. Walker.

Another Panel Ordered.

Just before Pink was accepted, Just-